IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5219 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

J R THAKKAR

Versus

SETTLEMENT COMMISSIONER

Appearance:

MR AJ SHASTRI & Ms. DR Vyas for Petitioner

M/S PATEL ADVOCATES for Respondent No. 1

Mrs. R.V. Acharya,GOVT PLEADER for Respondent No. 2, 3

CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 24/08/2000

ORAL JUDGEMENT

1. When this petition is called out for hearing, it is pointed out by learned counsel for the petitioner, by placing an order dated 26-4-1993 on the record of this petition that, in the departmental inquiry held against

the petitioner the petitioner has been exonerated. In this view of the matter, the first prayer in which the order dated 22-11-1991 was challenged, does not survive. As regards the other prayer for treating the period of suspension as on duty, learned counsel submits that, that aspect is the subject mater of dispute in a civil suit which is pending, and therefore it is not pressed in this petition. Since the petitioner has already availed of the alternative remedy by way of a suit as regards the period of his suspension, which he is allowed to pursue, this relief is also not entertained.

2. In this view of the matter the petition stands disposed of as having become infructuous. Rule discharged, with no order as to costs. Interim relief stands vacated.

Dt: 24-8-2000

(R.K. Abichandani, J)

/vgn